

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CLAUDIO D. & DALINDA §
ANDRADE, §
Plaintiffs, §
§
v. § Civil Action No. 3:14-CV-3969-K
§
COUNTRYWIDE KB HOME LOANS, §
MORTGAGE ELECTRONIC §
REGISTRATION SERVICES, INC.; §
G. TOMMY BASTIAN, et al., §
RECONTRUST COMPANY, NA, §
BANK OF AMERICA, NA, §
COUNTRYWIDE HOME LOANS, §
INC., THE BANK OF NEW YORK §
MELLON, COLFIN AI-TX §
1, LLC, and DOES 1-X, §
Defendants. §

**ORDER OF THE COURT ON RECOMMENDATION REGARDING
REQUEST TO PROCEED IN FORMA PAUPERIS ON APPEAL**

Considering the record in this case and the recommendation of the Magistrate Judge, the Court hereby finds and orders:

() The motion for leave to proceed *in forma pauperis* on appeal is GRANTED.

(X) The motion for leave to proceed *in forma pauperis* on appeal is DENIED for the following reasons:

(X) Plaintiffs are not paupers. A review of the financial information provided by plaintiffs shows a total monthly income of \$7,524.00 and total monthly expenses of approximately \$6,205.00. Given this financial information showing monthly income exceeding monthly expenses by \$1,319.00, the Court concludes that plaintiffs will not suffer undue financial hardship after payment of the \$505.00 filing fee. *See Prows v. Kastner*, 842 F.2d 138, 140 (5th Cir. 1988).

Although this Court has denied leave to proceed *in forma pauperis* on appeal, plaintiffs may challenge the denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4). *See* Fed. R. App. P. 24(a)(5).

SO ORDERED.

Signed April 11th, 2016.


ED KINKEADE
UNITED STATES DISTRICT JUDGE